

Message Text

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ORIGIN AF-18

INFO OCT-01 ISO-00 L-03 NEA-10 PRS-01 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 RSC-01 SPC-03

SS-20 USIA-15 ACDA-19 IO-14 A-01 EB-11 SCA-01 SY-10

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DRAFTED BY AF/N:RFSMITH:BJR

APPROVED BY AF:DDNEWSOM

AF/N:JJBLAKE

L/AF:MSPIEGEL

S/CCT:AMB. HOFFACKER

S/PRS:IPERNICK (TEL)

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FM SECSTATE WASHDC

TO AMEMBASSY KHARTOUM

C O N F I D E N T I A L STATE 208265

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: BSO TRIAL: RELEASE OF TWO ACCESSORIES

REF: KHARTOUM 2308

1. AMBASSADOR SHOULD SEEK EARLIEST APPOINTMENT WITH ACTING FOREIGN MINISTER INDICATING HE ACTING ON INSTRUCTIONS TO RAISE QUESTIONS CONCERNING RELEASE OF ACCESSORIES TO MURDERS OF TWO US DIPLOMATS. AFTER REITERATING EFFORTS USG HAS MADE TO AVOID EVEN SLIGHTEST APPEARANCE OF INTERFERENCE IN SUDANESE JUDICIAL PROCESS, YOU SHOULD MAKE FOLLOWING POINTS: (A) US NOTES REITERATION OF INTENTION TO TRY EIGHT TERRORISTS AND ASSUMES MAGISTERIAL HEARING WILL PROCEED AS SCHEDULED. (B) INTEREST IN JUST DISPOSITION OF THIS CASE HAS NOT DIMINISHED; IT REMAINS HIGH IN USG CIRCLES
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IN CONGRESS, AMONG MEMBERS OF PRESS AND PUBLIC; (C) WHILE

CHARGE OF MURDER MIGHT BE DIFFICULT TO SUSTAIN AGAINST ACCESSORIES NOT PHYSICALLY PRESENT IN SAUDI ARABIAN EMBASSY, WE DO NOT UNDERSTAND BASIS ON WHICH MAGISTRATE RELEASED PALESTINIANS RATHER THAN EXERCIZING OPTION TO BRING THEM TO TRIAL ON OTHER CHARGES, I.E., AS ACCESSORIES TO MURDER.

2. WE PRESUME ACTING FONMIN WILL AGAIN POINT OUT INDE-

PENDENCE OF SUDANESE JUDICIARY. AMBASSADOR SHOULD STRESS THAT WE WELL AWARE OF ITS INDEPENDENCE AND ARE NOT QUESTIONING IT. WHAT WE SEEK IS TO UNDERSTAND ITS OPERATION IN THIS CASE, PARTICULARLY DECISION TO RELEASE ACCOMPLICES FOR LACK OF EVIDENCE WHEN MAGISTRATE'S INQUIRY INTO FACTS OF CASE (SO FAR AS WE ARE AWARE) HAD NOT INCLUDED TESTIMONY ON THEIR INVOLVEMENT OR LACK THEREOF. SINCE WE CANNOT APPROACH JUDICIARY FOR INFORMATION RE BASIS FOR MAGISTRATE'S DECISION, WE MUST PERFORCE REQUEST IT OF THE FOREIGN MINISTRY IN SAME WAY THAT SUDANESE EMBASSY WASHINGTON WOULD SEEK AND RECEIVE GUIDANCE FROM DEPARTMENT ON US JUDICIAL OR OTHER DOMESTIC PROCEDURES.

3. FOLLOWING PRESS GUIDANCE HAS BEEN PREPARED FOR USE IN WASHINGTON ON AN IF ASKED BASIS: QUESTION: DO YOU HAVE ANY COMMENT ON REPORTS THAT TWO OF THE PALESTINIANS INVOLVED IN THE MURDERS IN KHARTOUM HAVE BEEN RELEASED? ANSWER: WE HAVE HAD CONFIRMATION THAT THE DRIVER OF THE VEHICLE WHO BROUGHT THE TERRORISTS TO THE SAUDI ARABIAN EMBASSY AND THE RADIO OPERATOR AT THE FATAH OFFICE IN KHARTOUM HAVE BEEN RELEASED. THE SUDANESE MAGISTRATE WHO RELEASED THEM DID SO ON THE GROUND THAT THERE WAS INSUFFICIENT EVIDENCE LINKING THEM TO THE MURDERS. THE EIGHT TERRORISTS WHO WERE IN THE SAUDI ARABIAN EMBASSY REMAIN IN CUSTODY. I DO NOT WISH TO COMMENT FURTHER AT THIS TIME. RUSH

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